IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION No. 14163 of 2005

Between:

Marre Venkata Narasimha Rao,

Son of Ramarao, aged about 60 years,

Resident of Pittallanka, Kodur Mandal,
Krishna District

..... PETITIONER

AND

1 The Assistant Commissioner,

Endowments Department Vijayawada, Krishna District
2 Sri Ubhaya Nageswara Swamy Temple,

Pittallanka, Koduru Mandal, Krishna
District rep by manager (Executive Officer)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents in conducting public auction for the lands in Survey No. 89/1 admeasuring Ac.3.37 cents situated at Pittallanka Village, Kodur Mandal, Krishna District which are in possession of the petitioner vide auction notification dated 25-6-2005 issued by the 2nd respondent herein without deciding the claim of the petitioner's land less poor as illegal, arbitrary, and violative of Articles 14 and 21 of the Constitution of India and consequently declare that the Petitioner is entitled to have lease hold rights against the said land and pass such other further orders or orders as this Honourable Court deems fit and proper in the interest of justice.

Counsel for the Petitioner: MRT.N.M.RANGA RAO

Counsel for the Respondent No.1: GP FOR ENDOWMENTS
Counsel for the Respondent No.2: SMT N.INDRANI

The Court at the stage of admission made the following:

ORDER:

-

The petitioner had already approached this Court apprehending dispossession even before his application for determination of his status as a landless poor person, and therefore, entitled to the benefits under Section 82(2) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 is determined by the 1st respondent. The said writ petition, W.P.No.19226 of 2003 was disposed of by this Court by the order dated 11.09.2003, directing the 1st respondent to consider the petitioner's application dated 26.05.2003, to pass appropriate orders thereon within a period of two weeks from the date of receipt of a copy of the order after reasonable opportunity to the petitioner and the 2nd respondent temple, and further directing that till such an order is passed and till 30 days time available to prefer an appeal thereagainst under Rule 4 expires, status quo as to the possession of the land in question shall be maintained. The 2nd respondent temple was however permitted to auction the leasehold rights of the land in question, but directed not to confirm the lease pursuant to the such auction till the determination of the status of the petitioner is made by the 1st respondent.

The petitioner's grievance in this writ petition is that disregarding the orders of this Court, the 2nd respondent is now proceeding to auction the temple lands and as a consequence he apprehends dispossession even before his application is determined by the

1st respondent.

This writ petition is misconceived. If despite the clear directions of this Court in the earlier judgment, the respondents dispossess the petitioner even without

determination of his application by the

1st respondent, the remedy of the petitioner is by an appropriate proceedings by way of contempt and not by way of another writ petition.

On the above analysis, the writ petition is dismissed. No order as to costs.

_____

GODA RAGHURAM,J

Dated: 01.07.2005

Dsr

Note:

Issue CC by 04.07.2005

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Assistant Commissioner,

Endowments Department, Vijayawada,

Krishna District

2. Two CCs to the Government Pleader for

Endowments, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies

4. 1 CC to MRRANGA RAO